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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

IRENE SMITHER, an individual,

Plaintiff,

v.

CIRCLE K STORE #1302; CIRCLE K STORES
INC.; DOES 1 through X, inclusive, and ROE
CORPORATIONS I through X, inclusive,

Defendants.

Case No.: 2:20-cv-00069-APG-BNW

**STIPULATION AND ORDER FOR
EXTENSION OF TIME**

(First Request)

Pursuant to LR 6-1 and LR 26-4, Plaintiff Irene Smither (“Plaintiff”) and Defendants Circle K Stores Inc. and Circle K Store #1302 (“Defendants”), by and through their counsel of record, hereby stipulate and request that this Court extend the discovery deadlines by 180 days, and adjust the scheduling of other remaining case deadlines accordingly. This is the parties first request. In support of this Stipulation and Request, the Parties state as follows:

A. DISCOVERY COMPLETED TO DATE:

1. On August 27, 2019, Plaintiff filed her Complaint in the Eighth Judicial District Court.
2. On October 03, 2019, Defendants filed a Motion for More Definite Statement, which was denied by the Court.
3. On December 4, 2019, Defendants filed their Answer.

1 4. On January 2, 2020, Plaintiff served her initial disclosures.

2 5. On January 10, 2020, Defendants served their initial disclosures.

3 6. Also on January 10, 2020, Defendants filed a Notice of Removal to the United
4 States District Court, District of Nevada.

5 7. On March 3, 2020, Defendants served multiple subpoenas duces tecum to
6 Plaintiff's treating physicians. To date, three of the physicians have failed to respond to the
7 issued subpoenas.

8 8. On March 27, 2020, Plaintiff served Defendants with interrogatories and requests
9 for production.

10 9. On June 2, 2020, Defendants served their responses to the requests for production.

11 10. On June 2, 2020, Defendants served Plaintiff with interrogatories and requests for
12 production.

13 11. On June 22, Defendants served their responses to the interrogatories.

14 **B. SPECIFIC DESCRIPTION OF DISCOVERY THAT REMAINS TO BE**
15 **COMPLETED**

16 1. Obtain outstanding records from Plaintiff's treating physicians who failed to
17 respond to the issued subpoenas;

18 2. Serve Plaintiff's responses to interrogatories and requests for production, due
19 September 3, 2020;

20 3. Plaintiff's deposition;

21 4. Defendants' depositions;

22 5. Expert discovery;

23 6. Depositions of any remaining witnesses, including but not limited to expert
24 witnesses, key treating physicians and witnesses to the incident and other corporate
25 representatives, as may be necessary; and

26 7. Any necessary additional written discovery and supplementation of discovery
27 requests already propounded.

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C. REASONS WHY THE REMAINING DISCOVERY WAS NOT COMPLETED

The Parties have been working diligently to complete the necessary discovery. Unfortunately, due to the COVID-19 pandemic, discovery has not been able to proceed as originally planned. For example, Defendants' offices were unexpectedly shut down due to the pandemic and Defendants' representatives did not have the same access to information and databases when they moved to distance working. This delayed the Defendants' ability to timely respond to written discovery. Treating physicians (especially those working at hospitals that are dealing directly with pandemic patients) have not timely responded to subpoenas. Plaintiff also has had challenges, which led to her needing additional time to respond to written discovery.

The Parties can therefore demonstrate good cause for extending these deadlines. For these reasons, the Parties request that the Court grant this stipulation for an extension of time.

D. PROPOSED DISCOVERY DEADLINES

	<u>Prior Deadlines</u>	<u>Proposed Deadlines</u>
Discovery Cut-Off:	December 3, 2020	June 1, 2021
Amend Pleadings	September 4, 2020	March 3, 2021
Initial Expert Disclosures	October 5, 2020	April 5, 2021
Rebuttal Expert Disclosures	November 4, 2020	May 3, 2021
Dispositive Motions	December 31, 2020	June 29, 2021
Pre-Trial Order	January 29, 2021	July 28, 2021

The Parties request that the above-referenced scheduling order be entered.

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IT IS SO STIPULATED

Dated this 13th day of August, 2020.

LAW OFFICES OF STEVEN M. BURRIS

FENNEMORE CRAIG, P.C.

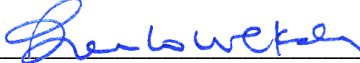
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SCHEDULING ORDER

IT IS ORDERED that the stipulation is GRANTED in part and DENIED in part. The discovery deadlines shall be extended by 120 days. Therefore, discovery cut off shall be April 2, 2021. The Court encourages the parties to try to complete discovery within this extended period. However, the Court will consider an additional extension if necessary.

IT IS SO ORDERED


United States Magistrate Judge

Dated: August 18, 2020